

REMARKS

Applicant wishes to thank the Examiner for the notice of allowable subject matter. Applicant has amended claims 1, 15, 24, and 27 to overcome the objections as requested by the Examiner. In view of these amendments as well as the arguments set forth below, Applicant respectfully requests that the Examiner allow all claims that were not previously allowed.

I. OBJECTIONS TO CLAIMS 1, 15, AND 27

Claim 1 is amended herein to replace the limitation “the ends” with “one or more ends” and to replace “the bottom walls” with “a bottom portion of one or more wall panels.” Claim 15 is amended to replace the limitation “the holes” with “one or more holes in the footer.” The current amendments to claims 1 and 15 provide a proper antecedent basis for the limitations of said claims as requested by the Examiner. Claim 24 is amended to state “at least one insert or pin” while claim 27 is amended to state “the insert or pin.” Claim 27 is dependent upon independent claim 24, and therefore, the current amendment to those claims corrects the problem with antecedent basis cited in the Examiner’s objection. Applicant respectfully requests that the Examiner enter the amendment and allow said claims.

II. REJECTION UNDER 35 U.S.C. § 112

The Examiner’s rejection of claims 24 and 28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, is respectfully traversed. Applicant has amended claim 1 herein to replace the limitation “the bottom walls” with “a bottom portion of one or more wall panels.” In addition, claim 1 is also amended to disclose “welding of the weld plate to the footer,” thereby clarifying and correcting the claim as requested by the Examiner. In view of the current

amendments, the Examiner's rejection of claim 1 under 35 U.S.C. § 112, second paragraph, cannot be sustained. Applicant respectfully requests that the Examiner withdraw the rejection and allow said claim.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

The Examiner's rejections of claims 24 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Amormino, U.S. Patent No. 4,669,240, in view of Harris, U.S. Patent No. 5,491,948, is respectfully traversed. On page 3 of the current Office Action, the Examiner states, "Amormino discloses the basic claimed wall except for the panels including an [sic] chamfered side." Applicant's invention claims and describes a unitary concrete construction panel that includes one or more metal reinforcement bars 18 and 20 generally running the height of each columnar support 16a and 16b. See claim 24 and paragraph [24] of the present application. In claim 24, Applicant claims the use of two of these unitary panels in a method for building a tilt-up wall structure. However, Amormino discloses a layered sandwich precast panel (11) that includes a cast concrete inner panel element (15), an outer cast concrete panel element (19), an insulation layer (29), and an air barrier zone (33). The panel (11) of Amormino further includes a continuous zig-zag steel wire truss element (25) having apexes (27) that are embedded into and anchored within the corresponding inner and outer panel elements (15) and (19). Clearly, the layered panel structure with zig-zag wire trusses disclosed by the Amormino patent differs markedly from the unitary panel having metal reinforcement bars that are colinear with columnar supports, which are claimed by Applicant.

As a means for securely and stably placing the precast building panel (11), the Amormino patent uses dowels located in several locations both on the footing (43) and on the bottom end of

outer panel element (19). Amormino also describes a dowel mount plate (49) that is cast into the footing (43) and includes a series of laterally spaced reinforcing steel dowels (51) welded thereto. See Amormino, column 5, lines 14-16; and Figure 1. A series of laterally spaced upright dowels (55), which project up into air space (33) so as to be embedded and anchored into the poured horizontal concrete connector (53) and cured, are included within the footing (43) as cast. See Amormino, column 5, lines 22-26; and Figure 1. The angle (45) also includes a series of upright laterally spaced dowels (47) welded along the length of said angle (45). See Amormino, column 5, lines 9-13; and Figure 1. These dowels (47) are embedded within the cast concrete forming a part of the outer panel element (19) of the Amormino invention. The dowels (47), (51), and (55) ensure that the upright panel (11) is adequately secured to the footing (43) in an upright position. See Amormino, Figure 1. Said dowels of the Amormino patent constitute elements of that invention that are separate and distinct from the welded steel wire mesh reinforcement (17) embedded within panel element (15) and also differs from the vertically-oriented spaced rods (23) to which the apexes (27) of the zig-zag truss elements (25) of that invention are welded. See Amormino, column 3, lines 32-39, 53-65; and Figures 1, 4, and 6. Applicant's invention, on the other hand, claims and discloses a plurality of extensions 28 that extend vertically from the bottom side 24 of the panel 10 for placement of said panel into corresponding core holes 32 in a footer 30. See paragraph [28] of the present application. The extensions 28 are extensions of the inner bars 18 within the columnar supports 16a and 16b. See paragraph [28] and Figures 3 and 4 of the present application. Clearly, Applicant's invention describes a markedly different structure and method for placing a panel into a footer than that contemplated and described in Amormino.

With respect to claim 28, the Applicant respectfully traverses the Examiner's rejection of

Applicant: Poma, Frank
Serial No.: 10/064,075
Page 11

said claim under 35 U.S.C. § 103(a), as being obvious because “the material used to fill the space (not labeled) in Amormino is grout.” Dependent claim 28 depends upon independent claim 24, and thus, claim 28 incorporates by reference all of the elements and limitations of independent claim 24. 35 U.S.C. § 112, fourth paragraph. The elements and limitations incorporated by reference into claim 28 include the novel features disclosed in claim 24 of “a plurality of reinforcement bar extensions at intervals on the bottom of each panel.” As explained above, this novel feature of Applicant’s invention, along with the unitary single-piece construction of each panel, is not disclosed by the references cited by the Examiner. Therefore, the Examiner’s rejection of Applicant’s claim 28 under 35 U.S.C. § 103(a) cannot be sustained. Applicant respectfully requests that the Examiner withdraw this rejection and allow said claim.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



Dale Paul DiMaggio, Reg. No. 31,823
James David Johnson, Reg. No. 47,685
Malin, Haley & DiMaggio, P.A.
1936 South Andrews Ave.
Fort Lauderdale, Florida 33316
Tel: (954) 763-3303
Fax: (954) 522-6507
E-Mail: INFO@mhdpatents.com